

MEMORANDUM

TO: Mayor Craig Brown and Members of Council

CC: City Manager Office, Executive Leadership Team, City Attorney Office

FROM: Sally Bakko, Director of Policy and Governmental Relations

DATE: December 16, 2022

RE: Legislative Report: Austin and Washington Updates

Please find below updates on legislative activities in Austin and Washington. (*To access links below, control+click on link.*)

Gulf Coast Protection District (GCPD) Update

Coastal Texas Project – WRDA Ready for President’s Signature; Next Step Federal and State Funding

With Senate passage of the Water Resources Development Act of 2022 (WRDA) authorizing the U.S. Army Corps of Engineers (USACE) Coastal Texas Study storm surge protection system (Coastal Risk Storm Management project), our advocacy focus must accelerate on seeking federal appropriations and non-federal share state funding. USACE-Galveston District has prepared budget details for a funding request of \$600 million (\$100 million – year 1; \$500 million – year 2) to move quickly into pre-construction, engineering and design on the project. With support from the USACE Southwestern Division, the budget request will move up to headquarters for consideration for FY 2023 workplan funding or FY 2024 annual appropriations funding. In addition, there may be opportunity to access supplement funding that will be available in March through the Infrastructure Investment and Jobs Act (IIJA). GCPD is seeking \$210 million from the Texas Legislature for the non-federal share.

Austin Update

88th Texas Legislature – Regular Session Key Dates

November 14, 2022 – Prefiling of bills by legislators begins.

January 10, 2023 – Texas Legislature Convenes

March 10, 2023 – 60-Day Bill Filing Deadline

May 29, 2023 – Adjournment Sine Die (140th day or 20 weeks)

Attached is a memorandum providing summaries of bills that may be of interest to Galveston. The bills are organized in the following categories:

- FAIR Plan Association
- Public Safety
- Emergency Management
- Other Finance and Administration
- Community & Economic Development
- Utilities and Environment

Comptroller Petitions FCC on Broadband Map Development, Release of Broadband Funds

On December 13th, Comptroller Glenn Hegar requested that the Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA) extend the deadline for states and individuals to file challenges to the proposed National Broadband Map (national map) by 60 days, until March 14, 2023; and to postpone release of the final map until July 14, 2023, for states and stakeholders to provide input on the accuracy of the national map. The national map will be used to allocate federal funding to states to expand broadband in unserved and underserved communities. The FCC and NTIA are the federal partners who will allocate Texas' share of the \$42.5 billion provided through the bipartisan Infrastructure Investment and Jobs Act (IIJA) to the Broadband Equity, Access, and Deployment (BEAD) program. On Nov. 18, the FCC released its initial version of the national map, which displays location-by-location views of high-speed internet availability across the country, as reported by internet service providers (ISPs). It gave state and local officials until Jan. 13, 2023, to challenge the map's accuracy. Any underestimation could potentially reduce Texas' allocation by billions of dollars. Go to the Comptroller's website for instructions on [how to challenge the FCC map](#). The Texas Legislature created the Broadband Development Office in 2021 to award grants, low-interest loans and other financial incentives to ISPs that expand access to broadband service in underserved areas. The Comptroller's office released the [Texas Broadband Plan](#) in June.

TCEQ Information on Federal Lead and Copper Rule Revision

The U.S. Environmental Protection Agency (EPA) finalized the Lead and Copper Rule Revision (LCRR) on December 16, 2021. The Texas Commission on Environmental Quality (TCEQ) published the following information on the revised rule. The LCRR details additional public health protection measures and applies to community and non-transient noncommunity public water systems. These systems must come into compliance by October 16, 2024. Under the revised rule, systems must develop and submit a Lead Service Line Inventory for both the utility owned service lines and the customer service lines. Service lines must be categorized as lead, galvanized requiring replacement, lead status unknown, or non-lead. TCEQ encourages cities to start collecting this data now since it will be a time-intensive project for your water system. Funding may be available in the future on a first come, first served basis. If you need help starting your inventory, please contact the TCEQ [Financial, Managerial, and Technical Assistance Program](#).

Washington Update

Congress Sends Law Enforcement De-Escalation Training Bill To The President

S. 4003, introduced by Senator John Cornyn (R-TX) and Senator Sheldon Whitehouse (D-RI), addresses de-escalation training for law enforcement agencies when encountering individuals with mental health issues, reached final passage and heads to the President's desk for signature. The Law Enforcement De-escalation Training Act of 2022 would equip law enforcement officers with the tools to effectively and safely respond to people in crisis. The bill would provide a dedicated stream of funding to state and local law enforcement agencies to train officers—as well as mental health professionals working with those officers—in de-escalation tactics, alternatives to use of force, safely responding to mental or behavioral health crises, successfully participating on a crisis intervention team, and making referrals to community-based mental and behavioral health services and support and other social programs. The bill:

- Requires the Department of Justice's Office of Community Oriented Policing Services to develop training curricula in consultation with law enforcement, mental health organizations, family advocacy organizations, and civil liberties groups, among other stakeholders;
- Authorizes \$124 million in annual grant funding over four years for training, including scenario-based exercises and evaluative assessments;
- Requires the National Institute of Justice and the Government Accountability Office to evaluate program implementation and training effects, to ensure the curricula have an impact on law enforcement encounters with people in crisis, and identify changes to improve outcomes.

FY 2023 Federal Appropriations Update

Appropriators plan to unveil a full-year omnibus spending package Monday afternoon (December 19th) that will fund federal agencies through FY 2023. This week Congress approved a short-term CR effective until December 23rd, allowing time to compile and act on the omnibus appropriations bill before Christmas. Galveston anxiously awaits the omnibus spending package which may hold critical funding provisions included in two individual House appropriations bills for the City:

- \$10 million - Galveston Causeway Waterline Project - replace the existing 100+ year old water line;
- \$10 million - Galveston 59th Street Water Storage Tank – replace one (1) storage tank;
- \$1.8 million - Reconstruction of three pad sites of the existing ramp section to support the static weight of three C-17 aircraft while parked;
- \$2 million - Move and reconstruct Taxiway E on the closed runway and decommission existing Taxiway E;
- \$2 million - Drainage improvements to the south side of the airfield; and
- Language directing the Federal Transit Administration (FTA) to use Census Bureau urbanized area designations based on 2020 decennial census data when apportioning FY 2023 Urbanized Area Formula Grant Program funds.

National Flood Insurance Program (NFIP) Update

- With passage of the short-term continuing resolution discussed above, Congress extends NFIP authorization until December 23rd.
- On the Senate floor this week, Senator John Kennedy (R-LA), urged the Federal Emergency management Agency (FEMA) to explain how it is implementing its Risk Rating 2.0 pricing algorithm for calculating flood insurance premiums.
- FEMA proposes a Means-tested Assistance Program offering a graduated discount benefit to current and potential policyholders with household incomes at or below 120 percent of Area Median Income. Creates an upper eligibility cap at 400 percent of the federal poverty guideline. The graduated discount: 1) ensures that the amount of benefit scales with need; and 2) guards against a "benefits cliff".
- In the Federal Register published October 21, 2022, the Department of Treasury's Federal Insurance Office (FIO) issued a proposed data collection from insurers to assess climate-related financial risk across the US.
 - Assist FIO's work to assess both the availability and affordability of insurance.
 - FIO data collection excludes flood insurance policies since FEMA is conducting a similar analysis (NFIP and private insurers) and flood damage is ty, but will coordinate with FEMA.
 - Coalition for Sustainable Flood insurance (CSFI) submitted comments:
 - Including flood insurance would presents a more comprehensive collection of all climate-related exposures and effects on policyholders;

- Supports FIO's plan to coordinate with FEMA on flood insurance data analysis;
- NFIP numbers in FIO's data collection could independently corroborate the analysis that FEMA is conducting internally.
- Important to collect NFIP data now before participation drops further, the risk pool becomes smaller, and risk exposure expands.
- At minimum private flood insurance data should be included given the current utility and expected growth of the private flood insurance market.
- Data collection can help stakeholders comprehend changing flood insurance premiums, the evolution of NFIP, and private flood insurance options.

Census Bureau Releases American Community Survey Estimates for 2017-2021

Last week the Census Bureau [released](#) five-year data estimates for the American Community Survey, from 2017 to 2021. The American Community Survey provides a wide range of statistics about people and housing for every community in the nation, producing statistics for language, education, commuting, employment, mortgage status and rent, income, poverty, and health insurance. The five-year estimates will be available for all 50 states, the District of Columbia, Puerto Rico, every congressional district, and all counties, places, census tracts, ZIP code Tabulation Areas and block groups. Highlights from the estimates can be found [here](#).

Reports of Interest

[**GOP Lawmakers Accuse Investment Firms of Breaking A Law That Prohibits Divesting From Oil And Gas**](#), Texas Tribune, December 15, 2022

[**Disaster Recovery: Better Information Is Needed on the Progress of Block Grant Funds**](#)
GAO-23-105295, December 15

[**Advancing Bridge Load Rating: State of Practice and Frameworks**](#)

Federal Highway Administration Publication No: FHWA-HIF-22-059

The goals of this research were to identify the state of practice and develop a framework that offers a preview of what bridge load rating may consist of in the future.

[**Good for Texas Tour: Water Edition**](#)

Comptroller Highlights Water Use and Innovation Across Texas
Texas Comptroller's Office

[**A City Pairs Relocation Payments With Bonuses to Recruit Police**](#)

Route Fifty, December 14, 2022

[**Florida House Approves Historic Insurance Reforms, Sending Bill to Governor**](#)

Insurance Journal, December 15, 2022

- Key changes [can be seen here](#).

[**Recreational Boating: How Vessel Users Contribute to and Benefit from a Federal Trust Fund**](#)

GAO-23-105729, December 15